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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,262	03/29/2004	John Palker	EMC-014 (EMC-04-048)	2769
32836	7590	07/12/2006	EXAMINER	
GUERIN & RODRIGUEZ, LLP 5 MOUNT ROYAL AVENUE MOUNT ROYAL OFFICE PARK MARLBOROUGH, MA 01752			HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/812, 262

EXAMINER

ART UNIT

PAPER

20060707

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Commissioner for Patents

1. The reply filed on April 24, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant did not include a listing of the claims readable on the elected embodiment [as noted in the previous office action]. See 37 CFR 1.111. As a courtesy, it is noted that applicant is arguing the requirement as being improper relative to a restriction requirement. The examiner notes that the requirement was a request to elect a single disclosed species [not inventions]. The species are preferably identified as the species of figures 1, 2, and 3 for example. In the absence of distinct figures to identify the species, the mechanical means or other distinguishing characteristics of the species should be conveyed for each species identified. If applicant is uncertain about current USPTO restriction practices, a review of M.P.E.P. 809.02(a) may be beneficial.
2. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James O. Hansen
Primary Examiner
Art Unit: 3637